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Attorney's Docket 071469-0309185  
Client Reference: PC0238B2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:  
STEVEN T. FINK

Confirmation No: 4791

Application No.: 10/823,724

Group Art Unit: 1763

Filed: April 14, 2004

Examiner:

Title: METHOD AND APPARATUS FOR PLASMA PROCESSING

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES  
REQUIREMENTS AND ONE MONTH EXTENSION OF TIME**

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Filed: April 14, 2004

Examiner: DHINGRA, Rakesh Kumar

Title: METHOD AND APPARATUS FOR PLASMA PROCESSING

RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENTS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On June 1, 2006, the Examiner issued a combined Restriction Requirement and Requirement for Election of Species for the above-identified patent application. The date for responding to the combined Requirement is August 1, 2006, due to the Request for a One Month Extension of Time and requisite Fee that accompanies this response.

In the combined Requirement, the Examiner identified two groups of inventions, between which the Examiner found restriction to be appropriate. Group I, which encompasses claims 1-34, is drawn to an apparatus. Group II, which encompasses claim 35, is drawn to a method. The Examiner required restriction between these two groups of claims.

Additionally, the Examiner identified eight species of invention as follows: (1) Species 1, defined by Fig. 1 and paragraphs [0016]-[0032], encompassing a plasma reactor with a holding structure and support structure where the plasma source assembly is a capacitively coupled plasma source (CCP) assembly, (2) Species 2, defined by Fig. 1, paragraph [0019], encompassing a plasma reactor with a holding structure and support structure where the plasma source assembly is an inductively coupled plasma source (ICP) assembly, (3) Species 3, defined by Fig. 1, paragraph [0019], encompassing a plasma reactor with a holding structure and a support structure where the plasma source assembly is an electrostatically shielded radio frequency (ESRF) plasma source assembly, (4) Species 4, defined by Fig. 1, paragraph [0019], encompassing a plasma reactor with a holding structure and a support structure where the plasma source assembly is an electron cyclotron plasma

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source assembly, (5) Species 5, defined by Fig. 1, paragraph [0019], encompassing a plasma reactor with a holding structure and a support structure where the plasma source assembly is a helicon plasma source assembly, (6) Species 6, defined by Fig. 4, paragraphs [0032]-[0034], encompassing a plasma reactor with a holding structure and a support structure where the holding structure is pivotable, (7) Species 7, defined by Fig. 5, paragraph [0035], encompassing a plasma reactor with a holding structure and a support structure with external bellows where the lift mechanism is below the chuck assembly, and (8) Species 8, defined by Fig. 6, paragraph [0036], encompassing a plasma reactor with a holding structure and a support structure with external bellows where the lift mechanism is above the chuck assembly. The Examiner required selection of one of the eight species for further prosecution, pending allowance of a generic claim.

The Applicant respectfully disagrees with the combined Restriction Requirement and Requirement for Election of Species. Accordingly, the Applicant respectfully responds with traverse.

In response to the combined Requirement, as required by the rules, the Applicant selects Group I for further prosecution (encompassing claims 1-34). In addition, the Applicant respectfully selects Species 1. Species 1 reads upon claims 1-3 and 10-27.

With respect to the Restriction Requirement, the Applicant acknowledges the Examiner's distinction between Groups I and II in that the method could be practiced in a materially different apparatus. Despite this, the Applicant does not believe that there is an undue burden on the Examiner to examine both groups of inventions in this application, especially given the similarities between the apparatus claims and the method claim.

The Applicant respectfully directs the Examiner's attention to MPEP § 808, which states: "Every requirement to restrict has two aspects: (A) the reasons (as distinguished from the mere statement of conclusion) why the inventions *as claimed* are either independent or distinct; and (B) the reasons for insisting upon restriction therebetween as set forth in the following sections." (Italics emphasis is in original.) In addition, MPEP § 808.02 states: "The examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) Separate classification thereof; (B) A separate status in the art when they are classifiable together; (C) A different field of search."

It is respectfully submitted that the search and examination of the entire application can be made without a serious burden on the Examiner and that the Restriction Requirement should be withdrawn. Claim 1 recites a plasma reactor that includes, among other features, a

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holding structure constructed and arranged to hold a plasma source assembly and a support structure constructed and arranged to support the chuck assembly, where the support assembly is constructed and arranged to raise and lower the chuck assembly relative to the plasma source assembly. Claim 35 recites a method for varying the space between a plasma source assembly and a chuck assembly, the plasma source assembly being held by a holding structure and the chuck assembly being held by a support structure, the method including raising or lowering the chuck assembly relative to the plasma source assembly using a lift mechanism. Accordingly, both claims 1 and 35 share common threads whereby examination of one group necessarily would encompass necessarily an examination of the other group. The burden on the Examiner to examine both groups appears to be minimal given the subject matter encompassed by the claims in both groups. The Applicant, therefore, respectfully requests reconsideration and withdrawal of the Restriction Requirement.

With respect to the Requirement for Election of Species, the Applicant respectfully points out that the identified species each depend, either directly or indirectly, from an independent claim. While the Applicant recognizes that this does not, in and of itself, lead to the conclusion that the application does not present patentably distinct species, the Applicant believes that the examination of the independent claims necessarily will encompass all of the species identified. Accordingly, the Applicant respectfully requests that the Examiner reconsider the Requirement for Election of Species and withdraw the same.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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